

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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DWAYNE DARRELL BOWENS, SR.,

Plaintiff,

DECISION AND ORDER

07-CV-6460L

v.

SPX CORPORATION,

Defendant.

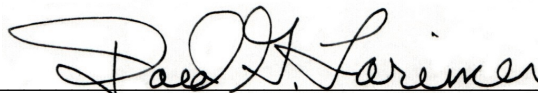
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Plaintiff, Dwayne Darrell Bowens, Sr. ("Bowens"), moved to dismiss the action as a sanction for the alleged failure of defendant to comply with an order of United States Magistrate Judge Jonathan W. Feldman (Dkt.#29). Plaintiff's motion's is in all respects denied.

The parties are directed to contact Magistrate Judge Feldman for a conference to resolve some of the remaining discovery issues in the case.

Defendant's request that the Court sanction plaintiff and impose costs and attorney's fees is denied at this time, without prejudice. Plaintiff is, however, reminded that such sanctions may be awarded, upon a proper showing, for the frivolous, burdensome or otherwise unnecessary filings which are made to harass an opponent.

IT IS SO ORDERED.



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DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
July 2, 2008.